

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

FEB 27 2019

Clerk, U S District Court
District Of Montana
Billings

ESTATE OF MICHAEL OSTBY, et
al.,

Plaintiffs,

vs.

YELLOWSTONE COUNTY,

Defendants.

CV 17-124-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on January 24, 2019. (Doc. 79). The Magistrate recommended the Court grant Defendant Yellowstone County's motion for judgment on the pleadings. (Doc. 79 at 12-13).


Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 79) are ADOPTED IN FULL.

IT IS FURTHER ORDERED Yellowstone County's motion for judgment on the pleadings (Doc. 56) is GRANTED with leave to amend as to the § 1983 claim against Yellowstone County and without leave to amend as to the individual claims of Nicole Hale, Joe Ostby, and Cassandra Ostby.

DATED this 27th day of February, 2019.


SUSAN P. WATTERS
United States District Judge